

To: "Allison Castellan" [allison.castellan@noaa.gov]; N=Don
Waye/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=David Powers/OU=R10/O=USEPA/C=US
Sent: Mon 10/29/2012 6:15:53 PM
Subject: Fw: FW: Oregon EQC decision
DEQ's website
<http://www.deq.state.or.us/about/eqc/agendas/attachments/2012oct/H-NWEnvAdvstaffreport.pdf>
<http://www.deq.state.or.us/about/eqc/agendas/attachments/2012oct/H-Att-NWEnvAdv.pdf>

FYI - keep dry. Don't forget to vote.

David Powers
Regional Manager for Forests and Rangelands
USEPA Region 10, OOO
805 SW Broadway, Suite 500
Portland, OR 97205
503-326-5874
powers.david@epa.gov

-----Forwarded by David Powers/R10/USEPA/US on 10/29/2012 11:15AM -----
To: Jennifer Wu/R10/USEPA/US@EPA, Jayne Carlin/R10/USEPA/US@EPA, David Powers/R10/USEPA/US@EPA
From: FOSTER Eugene P <FOSTER.Eugene@deq.state.or.us>
Date: 10/29/2012 10:37AM
Subject: FW: Oregon EQC decision

fyi

From: Salter.Joel@epamail.epa.gov [mailto:Salter.Joel@epamail.epa.gov]
Sent: Monday, October 29, 2012 10:35 AM
To: OPALSKI Dan; PSYK Christine; Lidgard.Michael@epa.gov; Chung.Angela@epamail.epa.gov
Cc: ALDRICH Greg; WIGAL Jennifer; FOSTER Eugene P; Soscia.Marylou@epamail.epa.gov; barber.anthony@epa.gov; ADES Dennis R
Subject: Oregon EQC decision

Hello Dan and Christine, following up on your request for more information regarding the EQC decision, attached below are responses from Ms. Wigal and Mr. Aldrich.

(From Jennifer Wigal)
Joel,
Here's a brief synopsis:

NWEA filed a petition under state law on August 9, 2012, requesting that DEQ undertake rulemaking, among other action to address pesticides. Specifically, the petition requested DEQ (1) initiate rulemaking to adopt pesticide use regulations into Oregon's water quality standards rules; (2) that the EQC direct DEQ to amend its pesticide general permit and any individual NPDES permits that authorize the discharge of pesticides listed in the petition to include additional requirements; (3) petition the Oregon Department of Agriculture and the Department of Forestry to adopt rules addressing pesticides.

The actions requested by the petition were large based on the Reasonable and Prudent Alternatives specified by NMFS in the Biological Opinions issued on EPA's registration of pesticides. The petition alleges that DEQ needs to adopt the requested rules and perform the other actions in order to have an approvable coastal nonpoint source program under CZARA and further alleges without these revisions, DEQ could lose 319 funding.

Under state law, the Environmental Quality Commission must act on rulemaking petitions within 90 days. The EQC acted on Thursday to deny the petition's request for rulemaking consistent with DEQ's recommendation. The EQC did not act (since they are not required to) on the other non-rulemaking portions of the petition. With regard to the request to reopen its pesticide permits, DEQ does not intend to reopen the permits ahead of their renewal schedule. We do not expect the commission to petition its counterparts and the Departments of Forestry and Agriculture to amend their rules. The staff report summarizing the petition requests and DEQ's analysis can be found on DEQ's website.

Let me know if you or other folks have any additional questions.

Jennifer

(from Greg Aldrich)

Joel – the EQC denied the petition requested by NWEA. The petition requested the EQC to start rulemaking for pesticides. The tie-in to 319 funds is whether EPA and NOAA believe Oregon's current pesticide protections are adequate. Here are the links:

<http://www.deq.state.or.us/about/eqc/agendas/attachments/2012oct/H-NWEnvAdvstaffreport.pdf>

<http://www.deq.state.or.us/about/eqc/agendas/attachments/2012oct/H-Att-NWEnvAdv.pdf>

Greg Aldrich

During our morning discussion ODEQ (Gene Foster) clarified that they believe their NPS program is sufficient for dealing with pesticides.

Thanks to ODEQ for providing additional detail.

Joel Salter

Oregon Water Programs Coordinator

US EPA - Oregon Operations Office

805 SW Broadway, Suite 500

Portland, Oregon 97205

503-326-2653